

## **REMARKS**

### **Administrative Overview**

Claims 1 and 2-5 were elected for prosecution following the Restriction Requirement mailed from the Office on October 1, 2007. We cancelled claims 1 and 6–27, amended claims 2, 4 and 5 and added claim 28 in the Response filed on June 30, 2008.

In the Office Action mailed on January 23, 2009, claims 2–5 and 28 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 2, 4, 5 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,557,105 (hereinafter “Tardo”). Claims 2–5 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Tardo.

We hereby amend claims 2–5 and 28. Support for these amendments may be found at least in paragraphs [0007], [0017]–[0022], [0030], and [0040]–[0043] and FIG. 1A and 2 of the application as filed, as well as in the originally filed claims.

After entry of this Response, claims 2–5 and 28 will be pending. We respectfully request reconsideration of these claims in light of the amendments made above and the arguments presented below, and the withdrawal of all rejections.

### **The Amended Claims Satisfy 35 U.S.C. § 112, ¶ 2**

Claims 2–5 and 28 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite. Specifically, the Office Action states that independent claims 2 and 5 are incomplete for omitting essential limitations, i.e., (i) receiving a request message comprising a license identifier, and (ii) distributing the protectable content and the license identifier.

As described in our specification, the present invention utilizes a license authority for determining authenticity of a license identifier associated with a protectable content. See Application at [0030]. The license authority computes and stores a license identifier, and transmits the stored license identifier to a content owner. See Application at [0030]. The content owner may subsequently distribute the stored license identifier with the protectable content to a content user.<sup>1</sup> See Application at [0030]. The license authority may then receive a request from

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<sup>1</sup> I.e., the second limitation identified in the rejection under 35 U.S.C. § 112, ¶ 2.

the content user to authenticate the license identifier received from the content owner.<sup>2</sup> See Application at [0030].

To address the first omitted limitation, we have amended claims 2 and 5 to include “instructions to receive a request message comprising a license identifier over a network to authenticate the received license identifier.” However, given that the license authority does not distribute a license identifier with a protectable content, amended claims 2 and 5, which are directed to a license authority, have not been amended to include the second omitted limitation.

We respectfully submit that the foregoing claim amendments and these remarks overcome the rejection under 35 U.S.C. § 112, ¶ 2, and accordingly request its withdrawal.

### **The Pending Claims are Patentable over Tardo**

Claims 2, 4, 5 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Tardo. Claims 2–5 and 28 were rejected under 35 U.S.C. § 103(a) as obvious over Tardo. We respectfully disagree.

A proper rejection for anticipation requires the inherent or express description of each and every element of a claim in a single prior art reference. See MPEP § 2131. Likewise, a prima facie case of obviousness requires a demonstration that the prior art references when combined teach or suggest all of the limitations of the claims at issue. See MPEP § 2143.

Claims 2 and 5, as amended, each recite computing, storing, and transmitting a license identifier for subsequent distribution with protectable content. These claims also require that: (1) upon receipt of a request over a network to authenticate the license identifier, (2) that the authenticity of the license identifier be determined by comparing the received license identifier with a stored license identifier. Tardo does not teach or suggest either of these elements.

First, Tardo fails to teach or suggest determining the authenticity of a license identifier in response to a request for authentication received over a network. Instead, Tardo teaches that the Gateway Interface Device 104 receives the license from the Licensing Authority 108 and verifies the license using the License Verification Module 126 at the Gateway Interface Device 104. See Tardo at col. 6, ln. 1–6; Fig. 1. In other words, Tardo’s license verification is performed locally, without the use of network communications to transmit or receive an authentication request. In

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<sup>2</sup> I.e., the first limitation identified in the rejection under 35 U.S.C. § 112, ¶ 2.

fact, Tardo teaches away from network communications for license verification by locating the License Verification Module 126 in the Gateway Interface Device 104.

Second, Tardo does not teach or suggest determining the authenticity of a license identifier by comparing the license identifier provided in the request message with a stored license identifier. Instead, Tardo describes a cryptographic verification process at the License Verification Module 126 that verifies the signature applied to the license certification public key and the signature applied to the license token using the corresponding digital keys. See Tardo, col. 6, ln. 54–58 and col. 7, ln. 3–14. In no way does this cryptographic method of applying and verifying signatures teach or suggest “comparing the received license identifier with a corresponding stored license identifier to determine the authenticity of the license identifier.”

Accordingly, we submit that amended independent claims 2 and 5 are patentable over the prior art of record, and the claims that depend therefrom are likewise patentable because they depend on a patentable base claim and may also have additional patentable features. We request the withdrawal of these rejections.

**CONCLUSION**

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all rejections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

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